

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,) Case No.:
) 3:21-cv-03496-VC
Plaintiff,)
) Lead Case No.:
vs.) 3:21-cv-03825-VC
)
INTUITIVE SURGICAL, INC.,)
)
Defendant)
_____)
IN RE: DA VINCI SURGICAL ROBOT)
ANTITRUST LITIGATION)
_____)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)
_____)

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

30(b)(6) DEPOSITION OF:

KEITH ROBERT JOHNSON

THURSDAY, OCTOBER 27, 2022

9:06 a.m. Mountain Standard Time

REPORTED BY:
Vickie Blair
CSR No. 8940, RPR-CRR
JOB NO. 5539883
PAGES 1 - 122

Page 1

Deposition of KEITH ROBERT JOHNSON, the witness, taken
on behalf of the Defendant, on Thursday,
October 27, 2022, 9:06 a.m. Mountain Standard Time,
before VICKIE BLAIR, CSR No. 8940, RPR-CRR.

APPEARANCES OF COUNSEL VIA ZOOM:

FOR PLAINTIFF/COUNTER-DEFENDANT SURGICAL INSTRUMENT
SERVICE CO. INC.:

HALEY GUILIANO LLP

BY JOSHUA VAN HOVEN, Partner

111 North Market Street, Suite 900

San Jose, California 95113

+1 669 213 1061

joshua.vanhoven@hglaw.com

FOR DEFENDANT INTUITIVE SURGICAL, INC.:

COVINGTON & BURLING LLP

BY ISAAC D. CHAPUT, Associate

415 Mission Street

Suite 5400

San Francisco, California 94105-2533

+1 415 591 7020

ichaput@cov.com

COVINGTON & BURLING LLP

BY AUSTIN S. MARTIN, Associate

One CityCenter

850 Tenth Street, NW

Washington, D.C. 20001-4956

+1 202 662 5094

amartin@cov.com

1 devices. 09:27:44

2 Q And, when you say "repair," what services 09:27:44

3 were performed on the EndoWrists as part of that 09:27:48

4 repair? 09:27:55

5 A We were taking the EndoWrists, inspect -- 09:28:03

6 inspecting for functionality and safety, and adding 09:28:08

7 additional lives to extend the life of that device. 09:28:13

8 Q And how did you add additional lives to 09:28:17

9 extend the life of the device? 09:28:21

10 A We installed a new chip to add 10 09:28:23

11 additional lives to that device. 09:28:30

12 Q Prior to the EndoWrist business, had SIS 09:28:32

13 ever worked with Rebotix Repair? 09:28:40

14 A That's kind of a trick question, but I 09:28:42

15 guess the answer to your question is no. 09:28:56

16 Q Why do you feel that's a trick question? 09:28:58

17 A Well, that organization is owned by 09:29:00

18 Benjamin Biomedical, which we have had a 25- to 30-year 09:29:02

19 relationship with. 09:29:08

20 Q Okay. So you had previously worked with 09:29:09

21 another company that's related to Rebotix, but you had 09:29:15

22 not worked with Rebotix specifically; is that correct? 09:29:17

23 A We worked with the parent company of that 09:29:22

24 organization, yes. 09:29:27

25 Q Focusing specifically on Rebotix, what 09:29:27

1 information did SIS have about Rebotix's capabilities 09:29:34

2 when SIS started its relationship with Rebotix? 09:29:41

3 MR. VAN HOVEN: Objection to form. 09:29:45

4 THE WITNESS: Can you ask that again, I 09:29:46

5 apologize. 09:29:51

6 BY MR. CHAPUT? 09:29:52

7 Q Sure. Maybe I can make it a little more 09:29:52

8 straightforward. 09:29:56

9 What did SIS know about Rebotix's 09:29:57

10 capabilities when it entered into the EndoWrist repair 09:29:59

11 business? 09:30:05

12 MR. VAN HOVEN: Objection to form. 09:30:05

13 THE WITNESS: So, based on our 09:30:05

14 longstanding relationship with Benjamin Biomedical, and 09:30:11

15 the quality products that they had been providing to us 09:30:16

16 for, like I said, over 25 years, we had every belief 09:30:19

17 that the products and services they were providing were 09:30:24

18 quality, and we went down, visited the lab, made sure 09:30:27

19 that we understood and saw the product that they were 09:30:32

20 developing and the service that they were providing, 09:30:36

21 felt really good about it, and were excited about it, 09:30:39

22 and learned everything we could about their testing 09:30:42

23 practices and what they were doing, and really pretty 09:30:45

24 much everything inside and out about that program 09:30:49

25 before we took it to market. 09:30:52

1 BY MR. CHAPUT: 09:30:52

2 Q Have you ever observed the entirety of 09:30:56

3 what Rebotix calls a repair of an EndoWrist? 09:31:01

4 A Yes. 09:31:07

5 MR. VAN HOVEN: Object to form. 09:31:08

6 THE WITNESS: Yes. 09:31:08

7 BY MR. CHAPUT: 09:31:09

8 Q When did you observe that repair? 09:31:11

9 A I don't remember the specific dates, but 09:31:15

10 if I remember correctly, it was in the fall of '19. 09:31:24

11 Q And would you describe for me the repair 09:31:30

12 process that Rebotix performed that you observed? 09:31:42

13 A We observed the complete incoming 09:31:48

14 inspection process; we observed the chip replacement 09:31:55

15 process; and we also observed the complete outgoing 09:32:03

16 safety and function test of those devices. 09:32:08

17 Q Starting with the complete incoming 09:32:12

18 inspection that you observed, what steps were involved 09:32:24

19 in that incoming inspection? 09:32:27

20 A Being that that device is a very simple 09:32:33

21 laparoscopic instrument, we observed the functionality 09:32:39

22 of that device, the strength of the pulleys, the 09:32:43

23 sharpness of the scissors, the -- the grasping strength 09:32:48

24 of the forceps, all of those safety and function to 09:32:53

25 make sure that those devices met the original intended 09:32:57

1 the country, so we have team members and reps on the 09:46:48
2 ground, and we work with hospitals on a daily basis 09:46:51
3 picking up items and devices in need of service, 09:46:54
4 getting those to one of our labs, they are serviced and 09:46:57
5 then returned to the facility. 09:47:02

6 So this Rebotix program that we were 09:47:03
7 providing fell right in line with what we were doing 09:47:05
8 every day. 09:47:10

9 Q Was the service performed at one of SIS's 09:47:10
10 labs? 09:47:16

11 MR. VAN HOVEN: Objection to form. 09:47:18

12 THE WITNESS: We were -- every discussion 09:47:19
13 we had was about bringing it in-house and doing it 09:47:27
14 ourselves. In fact, a couple members of their team 09:47:29
15 came to Chicago and worked in our lab with us, and 09:47:37
16 our -- some of our technicians that were going to be 09:47:41
17 involved in this program were part of that, so we were 09:47:44
18 absolutely going to be doing this service in-house. 09:47:48

19 BY MR. CHAPUT: 09:47:51

20 Q Okay. So you said that you were "going to 09:47:51
21 be doing it in-house." 09:47:53

22 My question was: Did SIS ever actually 09:47:54
23 perform the service in-house? 09:47:57

24 A No. 09:47:58

25 Q So for all of the EndoWrist repairs that 09:48:00